

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JASON WALTERS,

Plaintiff,

v.

EXEL, INC. D/B/A DHL SUPPLY CHAIN,

Defendant.

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CIVIL ACTION NO. 3:22-cv-01840-K

**APPENDIX IN SUPPORT OF DEFENDANT’S MOTION TO STRIKE PLAINTIFF’S
INADMISSIBLE SUMMARY JUDGMENT EVIDENCE**

APP

Excerpts from Transcript of Eartis Shaw Deposition, April 11, 2023..... 001-009

Respectfully submitted,

/s/ Annie Lau
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CERTIFICATE OF SERVICE

On the 19th day of March, 2024, I filed the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the Court's Electronic Case Filing system. I hereby certify that I have served the document on all counsel of record by a manner authorized by FED. R. CIV. P. 5 (b)(2).

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Annie Lau

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JASON WALTERS)
)
vs.) CIVIL ACTION
) 3:22-cv-01840-C
) JURY REQUESTED
EXEL, INC. D/B/A)
DHL SUPPLY CHAIN)

ORAL DEPOSITION OF
EARTIS SHAW
THURSDAY, APRIL 13, 2023
11:25 A.M. - 2:23 P.M.

ORAL DEPOSITION OF EARTIS SHAW, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and -numbered cause on the 13th day of April, 2023, from 11:25 a.m. to 2:23 p.m., before Maribel Torres, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the law offices of Fisher Phillips, LLP, 500 North Akard Street, Suite 3550, Dallas, Texas, pursuant to the Federal Rules of Civil Procedure and the agreements herein after set for, if any. Signature reserved.

1 APPEARANCES

2 REPRESENTING THE PLAINTIFF:

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12 ALSO PRESENT:

13 MR. JASON WALTERS, PLAINTIFF

I N D E X

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1 P R O C E E D I N G S

2 THURSDAY, APRIL 13, 2023 - 11:25 A.M.

3 (REPORTER'S NOTE: Names not spelled on
4 the record may be spelled phonetically.
5 Quotation marks may be used with
6 indirect, inexact quotes.)

7 THE COURT REPORTER: We're on the
8 record. This is the oral deposition of Eartis Shaw,
9 taken at Fisher Phillips in Dallas, Texas, on
10 April 13, 2023. The time is 11:25 a.m. My name is
11 Maribel Torres with Leigh & Associates.

12 Counsel, if you could please state your
13 appearances for the record before I swear him in.

14 MR. WHITEHURST: Bob Whitehurst for
15 plaintiff.

16 MS. BEZNEY: Theanna Bezney, Fisher
17 Phillips, for defendant, Exel.

18 EARTIS SHAW,
19 having been duly administered the oath, testified as
20 follows:

21 EXAMINATION

22 BY MR. WHITEHURST:

23 Q. State your name for the record, please, sir.

24 A. Eartis Ray Shaw.

25 Q. And, sir, how are you employed?

1 Q. All right. There's not a date -- are we
2 looking at the same document, Mr. Shaw?

3 A. Yes. This is the same document, yes, sir.

4 Q. That I'm looking at it right here. Is that
5 right, sir?

6 A. Arturo -- yes, sir.

7 Q. Okay.

8 Who is Arturo Hernandez?

9 A. Arturo Hernandez was a material handler.

10 Q. Still employed?

11 A. No, sir.

12 Q. Craig Scott?

13 A. I actually have no idea who Craig Scott is.

14 Q. Okay. Dennis Hurst?

15 A. No clue.

16 Q. I'm sorry?

17 A. No clue who Dennis Hurst is.

18 Q. Arturo Hernandez?

19 A. It's the same one as the beginning.

20 Q. Austin Rodriguez?

21 A. Agustin, yes, sir. It's a material handler.

22 Q. Okay. Mr. Hernandez is still there?

23 A. Arturo Hernandez? No.

24 Q. Okay.

25 A. Agustin, yes.

1 Q. And we don't know who Craig is. We don't
2 know who Dennis is.

3 A. Yeah, I do not know these people.

4 Q. Mr. Rodriguez is not or is still there?

5 A. Agustin is still there.

6 Q. He is still there.

7 Jose Luis Gonzales?

8 A. Yes, sir.

9 Q. Still there?

10 A. Yes, sir.

11 Q. Jose F-u-q-u-a, at the --

12 A. Josiah Fuqua.

13 Q. Still there?

14 A. Yes, sir.

15 Q. Reese Hines?

16 A. Don't know that name.

17 Q. Don't know who that is?

18 A. No, sir.

19 Q. Okay.

20 Now, who is Bill Huhner?

21 A. That was William Huhner. That was the --
22 another supervisor for day shift.

23 Q. Okay. He was an operations supervisor,
24 also?

25 A. Yes, sir.

EARTIS SHAW - 4/13/2023

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ACKNOWLEDGMENT OF DEPONENT

I, EARTIS SHAW, do hereby certify that I have read my oral deposition transcript taken on April 13, 2023, in Case 3:22-cv-01840-C, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted above.



06/08/2023

[DEPONENT SIGNATURE]

[DATE]

IN THE UNITED STATES DISTRICT COURT
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JASON WALTERS)
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) JURY REQUESTED
EXEL, INC. D/B/A)
DHL SUPPLY CHAIN)

REPORTER'S CERTIFICATE
ORAL DEPOSITION OF EARTIS SHAW
THURSDAY, APRIL 13, 2023

I, MARIBEL TORRES, a Certified Shorthand Reporter of the State of Texas, do hereby certify that the foregoing proceedings were taken before me at the time and place herein set forth; that any witness in the foregoing proceedings, prior to testifying, was administered an oath; that a record of the proceedings was made by me using machine shorthand, which was thereafter transcribed by me or under my direction; that the foregoing transcript is a true record of the testimony given.

I further certify that if the foregoing pertains to the original transcript, that before the completion of the proceedings, review of the transcript [] was waived [] was not requested, [X] was requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

1 IN WITNESS WHEREOF, I have this date, May 8,
2 2023, subscribed my name.



Maribel Torres

5 Maribel Torres
6 Texas Certified Stenographer #8597
7 Expiration Date: 10/31/2023
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